port to him as to what he found in the mound. The crime was about to be discovered, hence Mortensen's inter-

THIRTY-SECOND. .

James R. Hay's hat was missing when the body was found. Peter Mor tensen broke up clods at the grave with a shovel, not larger than a man's fist and said "his hat must be here."

THIRTY-THIRD.

The demeanor of Peter Mortensen when James R. Hay's body was taken out of the grave and when he was on the patrol wagon near Hendry's store, was that of a troubled conscience. He emed nervous, worried and restless However, he expressed no sorrow that any person would expect from a neigh-bor, if a fellow neighbor of his had been murdered in celd blood.

THIRTY-FOURTH.

The fact that Peter Mortensen offered no theory when James R. Hay's body was taken out of the grave, as to how it was possible or probable that a highly respected citizen like Mr. Hay had been murdered and buried in such a peculiar and gruesome manner. Mortensen told E. C. Penrose, reporter of the Descret News, that he had no theory, and hater when Robert J. Jessup talso a reporter of the Descret News, interviewed Mortensen, he said: "I have no theory."

THIRTY-FIFTH.

The great stoicism that Peter Mortensen has manifested in connection with the murder of James R. Hay is an aftering index of a mind that is capable and cruel enough to conceive, plot, plan and murder a near and dear friend. An iron nerve, where the death of a human being is concerned, is not indicative of innocence, but quite to the contrary, it shows a hardened merci. contrary, it shows a hardened, merci-less, abandoned and malignant heart. THIRTY-SIXTH.

The fact that James R. Hay was murdered on the Rio Grande Western distant between two inhabited houses shows clearly that the murderer of Hay was thoroughly familiar with the surroundings of the community, and the remoteness of the locality in which he was murdered.

THIRTY-SEVENTH.

On the night of Dec. 16, 1901, at 10:20 o'clock, John Allen, a motorman of the Consolidated Street Railway of this city, saw Peter Mortensen on the Rio Grande Western railway track with an Grande Western railway track with an implement—which he took for a shovel—on his shoulder. It was a clear night. Peter Mortensen was between 60 to 70 feet from the street car. The click of the car, when it struck the Rio Grande Western track, made Peter Mortensen turn around quickly. Mr. Allen was on the lookout for a spotter. He leaned over the gate of the car and got a good look at him. He immediately recognised. look at him. He immediately recog-nized him as the man who had at num-erous times ridden on his car.

THIRTY-EIGHTH.

The fact that James R. Hay, after he had been murdered, was buried in a grave, demonstrates conclusively, to every reasonable mind that no hold-up or robber killed him.

THIRTY-NINTH.

If any other man belonging to the ommunity of Forest Dale, its vicinity r transient, had murdered James R. Hay for \$3,800 in gold, all that was necessary for him to conceal his connection with the crime, would have been to have thrown the gun a any with which he fired the fatal shot, and bury the gold—not bury James R. Hay.

The body of James R. Hay was hast-ily buried, for the purpose, not only of concealing the crime, but for the ul-terior, purpose of creating the impres-sion that James R. Hay had absconded with \$2,800, money of the Pacific Lum-

er company. Hay's disappearance vould keep off suspicion of the nur-er. Hay missing, with the public un-er the belief that he was a fugitive from justic! no investigation would be made into Peter Mortensen's alleged payment of the \$2,800. Peter Mortensen could then flash the receipt for \$3,800 to the Pacific Lumber company "Why, your secretary ran off with the money.

FORTY-FIRST.

The fact that Peter Mortensen on Tuesday, after James R. Hay had disappeared, intimated, insinuated and told to George E. Romney that James R. Hay had run off with the \$5,500 in Gold. This act on the part of Mortensen explains the burial of James R. Hay in the suddly due grays. in the rudely dug grave. The grave which was dug, and Hay buried in it gave Peter Mortensen the opportunity to make it appear that Hay had ab-sconded with the money.

FORTY-SECOND.

Peter Mortensen, on Tuesday, Dec. 37, 1901, told Heber Sharp that when James R. Hay left the gate, he went west on Simpson avenue. Afterwards Peter Mortensen admitted to James Sharp that he had made such a statement but that it was not true, and fur-ther said he did not know why he made

FORTY-THIRD.

When the body of James R. Hay was cry's store at Forest Dale, James Sharp stepped on the foot rest of the wagon and addressing the lifeless body of James R. Hay, said. "My boy, he (meaning Peter Mortensen) said that you ran away with \$3,800 in gold, and you never ran, did you? He has killed you for a piece of paper that represents \$3,800, and you never ran away nor received any money." Peter Mortensen made no reply, but hung his head and looked to the ground. He was allent under the terrible accusation of slient under the terrible accusation having murdered James R. Hay the receipt belonging to the Pac Lumber company.

FORTY-FOURTH.

The claim of Peter Mortensen that he had saved his money for a long time past and did not pay any over to the Pacific Lumber company, a firm which had befriended him, is preposterous.

FORTY-FIFTH.

The fact that Peter Mortensen did not pay the Pacific Lumber company it different times \$50, \$100 or several hundred dollars, when the mortgage which he had given to the company was drawing interest at the rate of per cent per anqum. FORTY-SIXTH.

On September 5, 1901, Peter Morten-sen swore in Dana T. Smith's court that he had no money in his possession

FORTY-SEVENTH.

Previous to the tragedy Peter Mortensen claimed that there was due him from certain persons which he enum-erated, the sum of \$3,160. Of this amount he realized \$664, which is ac-counted for in the financial statement.

We have proved that Peter Morten-sen received on the 16th day of Sep-tember, 1991, only \$390. When he was arrested he paid Mr. F. M. Powell \$20. d \$270 found in the attic by Charle Watkins, which shows conclusively that if Peter Mortensen had the \$3,800, which he claimed he paid. James R. which he claimed he paid. James R. Hay, that he had the money on Saturday, December 14. Why did Peter Mortensen go into the office of the Pacific Lumber company Monday night and make this unusual request of the Pacific Lumber company to get the money that night? Simply because he never had the \$3,800, and his object was to secure the receipt, without paying any

FORTY-NINTH.

Peter Mortensen told John B. Cum-mock that after he had paid James R. Hay the \$3,800, he had less than \$100 left. This statement is in direct con-flict with the fact that Chas. F. Wat-kins found \$370 in the attic of Peter Mortensen's house on Friday morning, December 20, 1991 December 20, 1901.

FIFT ETH.

On Wednesday afternoon, Dec. 18, Pe-On Wednesday afternoon, Dec. 18, Peter Mortensen told Thomas H. Hilton in answer as to where he received the money which he ciaimed he paid to James R. Hay: Summerhays \$100, M. R. Taylor \$250, John M. Cannon \$250, and J. C. Sharp \$2,100. With the except tion of the Cannon amount, the other sums have been accounted for in the nancial statement as produced in ev

On Monday afternoon, Dec. 16, Peter Mortensen received from John M. Cannon a check for \$258.45, payable Dec. 21. The day of his arrest Peter Mortensen claimed to Chief Hilton that he had received \$250 from John M. Can-non, which made a part of the \$3,800 which he claimed he paid to James E. Hay. The check was afterwards handed by Peter Mortensen to his brother n-law, Charles F. Watkins.

FIFTY-SECOND.

The prosecution has proved that all noneys received by Peter Mortensen rom Sept. 5, to Dec. 19, 1961, amounted \$4,104.10. His disbursements were \$3,450., leaving a net balance of \$654.10. deduct from this net balance \$370 (the amount found by Charles F. Watkins in the attle of Peter Mortensen's house, we have unaccounted for \$284.10. FIFTY THIRD.

The state has proved beyond all reasonable doubt that Peter Mortensen did not have the money, which he claimed he paid Junse R. Hay, therefore it is proven beyond all reasonable doubt that he did not pay Mr. Hay the \$3.800. By what right then did Peter Mortensen hold the receipt for \$3,800, which the evidence shows he didn't have, and couldn't have paid out?

FIFTY-FOURTH

The piece of paper representing a receipt for \$3,800, was the only thing of value missing from the dead body of James R. Hay. In whose possession was this fatal receipt after the murder? In the possession of Peter Mortensen, this defendant, and with the note attached thereunto uncancelled contrary to the strict and final instructions of Mr. Romney, the manager of the Pa-cific Lumber company that the note must be cancelled when the money was

FIFTY-FIFTH.

Peter Mortensen attempted to fabricate testimony for his defense. He said to his brother-in-law, Charles F Watkins, 'My books are in such a shape that it will be necessary for you to represent that you have loaned m from \$1,000 to \$1,500." To which Charle from \$1,000 to \$1,500." To which Charles Watkins replied that his bank account was in such a condition that if they were to look into that matter, they could prove that he had not loaned him the money. The defendant said: "You and Dick could fix it up."

CONCLUSION.

"Now, gentlemen of the jury, we have proven defendant guilty beyond a reasonable doubt. They have said here that this is a serious charge, a serious case. I realize that it is, gentlemen, but a man is responsible for his actions toward society, no matter how serious the consequences may be serious the consequences may be serious the consequences may be.
"I thank you for your kind attention.
You cannot acquit this defendant because of any sympathy you may have
for himself or his family. That is one
of the questions I asked you before you
were accepted, whether you would hesitate to return a verdict of guilty because of any sympathy you guid hesitate.

cause of any sympathy you might have for defendant or his family, and your answer was "no. I ask you to take the evidence as it has been presented to ou here and talk it over carefully, and have no fear of the consequences.

thank you.

Mr. Elchnor concluded his arguments at 11:05 oelock. stir in the court room by the spectators conversing and shifting positions. When quiet was restored, Judge Morse instructed the bailin not to allow any one to leave or enter the court room while the court was instructing the ju-ry. The instructions were then read by the court in a clear and distinct tone

JURY HAS CASE. Mortensen's Fate Left to them Near Noon.

At 11:25 o'clock the jury retired to the Jury room above the county attorney's office, in charge of balliffs, to deliberate upon their verdict. Judge Morse inupon their verdict. Judge Morse in-structed Clerk MacKnight to adjourn structed Clerk MacKnight to adjourn court temporarily until the jury returned with a verdict.

That the defendant is thoroughly satisfied with the fairness and impartiality of the trial is evident from the remarks of Barnard Stewart and C. B. Stewart, made to a representative of the "News" just after the jury retired. Messrs. Stewart said: "We are greatly pleased with the impartial manner in which this case has been handled.

er in which this case has been handled both by the judge and the prosecuting attorney. We could not have been better pleased; that is the feeling of ourselves and defendant, too. made no exceptions to the court's charge, whatever, but merely except-ed to a request made by us which the court refused to give."

TAKE SUICIDE

PRECAUTIONS.

The officers are evidently under the impression that Mortensen would do himself bodily harm. But they propose that he shall not take his own life, as hown by the fact that his clothes were hanged and his razors, two of them ith which he has shaved himself twice a week, were taken from him.

It is stated the jury reached its verdict on the first ballot.

GROVES L. D. S. HOSPITAL Plans Are Being Drown and Bids Will Soon be Asked For.

Architect F. M. Ulmer has the con tract for the plans of the proposed Dr. Groves L. D. S. hospital to be erected at the corner of First West and First South streets at a cost of about \$75,000; and in one month blas will be called for. The plans provide for a fine looking structure of four stories with 150 feet front on First South street, and a depth of 125 feet on First West street. It will contain 75 to 100 rooms for patients 7a to 100 rooms for patients, and in the upper story provisions are made for two fine operating rooms, with the principal operating room in the upper room of the central tower, and with a ceiling all of glass. This is the institution for which a nucleus fund we tion for which a nucleus fund was pro-vided by the late Dr. Groves in his will.

SMITH-At 1422 South West Temple street, this city, June 13, 1902, of spinal meningitis, Eliza Ellen Smith, wife of John H. Smith, aged years and 5 months; native of

Funeral services will be held Sunday t 2 p. m. from the family res dence. Friends are respectfully invited to at-

Nick Haworth EXASPERATED BY Gets Setback.

Big Batch of Affidavits in Fossession of County Attorney Streeper That Show the Most Reprehensible Practice In Assistance of the Man Convicted of Murder.

trial will this afternoon receive a body County Attorney Streeper of Davis county has in his possession some 20 amaavits that allege bribery, decidedly crooked legal practice and detiberate lying. If the affegations are frue, there is a storm ahead for someone, and the storm will involve not only the confessed murderer, Nick Haworth,

the confessed marderer. Nick Haworth, but also those prominently connected with the prescitation of his case.

The affidivits are to be filed, this afternoon in Davis county, by Mr. Streeper. This is the last day on which affidavits on the naction for a new trial may be filed, and Mr. Streeper is to come forward with some decidedly sensitional allegations.

H. A. Franks is the principal contrib-tes to this new accumulation of testi-mony. Mr. Franks is well known here as a private detective, and he tells : ry interesting story of bribery and rehase of evidence by the defense. His allegations have an additional in-terest from the fact that he claims that it was hinsself who was bought by the defense, and that his price was \$100. This amount, he says, was paid to him for signing his name to an affidavit which he hadn't even read and which he never swore to.

Mr. Franks' former affidavit, the one for which he claims money was paid him by the counsel for the defense, will him by the counsel for the defense, will be recalled by those who have followed the case. In it the detective attempted to prove that Nick Haworth's confession was obtained on a promise by Sheriff Abbott that his sentence would be light, and that it was not, therefore, a bona-fide confession, being, in a way, extorted from the prisoner. If this were true it would affect materially the motion for a new trial.

this were true it would affect materially the motion for a new trial.

But now Mr. Franks comes forward and says that not one word of the affidavit was the truth; that & was prepared by Attorney A. J. Weber of Ogden, who paid him \$100 for signing it; that the notary who was to have swern him did nothing of the kind, simply affixing the seal without ever going ply affixing the seal without ever going through the required ceremony.

It is an interesting process by which Mr. Franks claims that he signed that affidavit. He alleges that he was in the office of Attorney Weber in the Eccles building, Ogden, on April 10. The affidavit was passed over to him; he signed his name without reading it. ind Mr. Weber went out for a notary. When he returned, he introduced the notary as "Mr. Jones." "How do you do," said Detective

"Is this your signature?" asked the

notary. "Yes," answered the detective, and the process was complete. The seal was af-fixed, and that was all there was to it. Mr. Franks swears that he did not stand up, remove his hat, raise his right hand, up, remove his hat, raise his right hand, ro that there was any other word between them than those stated.

But that is not all. The detective alleges that when the mock swearing to by C. F. Pomeroy, Joseph Belnap.

Nick Haworth's motion for a new | for the defense, left the room and refor the defense, left the room and re-turned with a roll of ten \$10 nills, which he handed over to Mr. Franks with some remark about the bargain being closed. Mr. Franks felt the attorney's office and went down to the Western Union telegraph office, where he sent \$50 by wire to his former wife. Mrs. Carrie Franks, \$56 east Seventh South street of this city. The receipt from the releof this city. The receipt from the tele-graph company for this money is apended as an exhibit.

The affidavit of Mr. Franks' to be filed this afternoon occupied 31 type-writen pages, and narrates the whole bargain between himself and the attor-neys for the defence in every detail. Negotiations were begun, Mr. Franks alleges, om Saturday, April 5, in the Cullen hotel, between himself and Henry Whetstone. After talking with Franks for some little time about the Haworth case. Whetstone is alleged to have broken the ice and made a proments that the defense had in the case for which the detective was to receive "two or three hundred dollars." This "two or three hundred dollars." it is claimed, was later changed to one hundred, the amount which Franks says he received.

received.

The negotiations, the affidavit further says, went on for some time, Franks going back and forth to Ogden and holding conference with A. J. Weber, Henry Whetstone, and D. E. Haworth, brother of the prisoner. Whetstone is alleged to have said on one occasion, while they were discussing the proposed affidavit and the bargain, that he was no amateur in such matters and that he had at one time "fixed some jurors up in Idaho."

Altogether it is a very interesting document which Mr. Streeper will file this afternoon. Not in a long time have as specific charges of crookedness been made against the conduct of a case. A mild sensation in legal circles is expected as soon as the affair

les is expected as soon as the affair

made public. Mr. Franks explains his own part in Mr. Franks explains his own part in the transaction by stating that he was in the employ of Davis county as a detective to find out evidence leading to the discovery of the slayer of Thomas Sandall, and that he acted as he did and accepted the money from the defense for the purpose of informing the attorneys for the prosecution of the facts and of exposing what he thought to be a plot on the part of the defendant's attorneys to wrongfully secure the defendant a new trial based upon false evidence and false affidavits.

Mr. Franks is borne out in his state-Mr. Franks is borne out in his statements by affidavits from L. E. Abbott, sheriff of Davis county; T. M. Abbot, who had charge of the Farmington jall, and Jedediah Abbot, deputy sheriff, all of whom figure in Franks' former afficient

There are also affidavits from 10 of the police officers claiming a bad record of truth and veracity for Mrs. Sarah E. was completed. Mr. Weber, attorney William Broady, Thomas H. Phillips,

In Bow Street Police Court.

Investigation Into Charge of High Treason Against Colonel Arthur Lynch Begun-Place Was Crowded-Sir Edward Carson States Case for Prosecution-Hon. Chas. Russell Opens for the Defense.

London, June 14 .- Bow Street police | fight for the South African republic | court was crowded this morning when the investigation into the charge of high treason brought against Col. Arthur Lynch, formerly of the Boer army, was begun. Lynch, who was elected member of parliament for Galway in November last, was arrested at Newhaven Wednesday upon landing from France, Mrs. Lynch and other friends of the accused were present. The solicitor-general, Sir Edward Carson, in opening for the prosecution, alfuded briefly to Col. Lynch's Austra-lian birth, his residence in Paris, and his departure thence to the Transvaal

case for the prosecution," said Sir Edward, "will be that on arriving in South Africa, Lynch took service with the Transvaai government, raised a regiment of which he acted as com-mander, to fight in behalf of the Bozs and actively fought against Gen. Bul-

"Lynch was in Pretoria, Jan. 15, 1900." the solocitor continued, "and wrote the Transvaal authorities notifying them of his desire to take up arms." Jan, 18 he signed a field corner's certificate describing himself as an Irishman, a British subject, and born in Australia, but declaring his willingness to

ler to maintain and defend its inde ndence. Lynch also took the oath o leate enabling him to do so as well to accept a commission from the

After the police had furnished evi-dence of the prisoner's arrest he was remanded to Jone 21. During the rourse of this evidence Detective In-spector Walsh testified to finding in spector wash testined to linding in col. Lynch's pocket a visiting card of Hamilton Holt, "introducing Col. Lynch of the Boer army to three Americans A. H. Hardy, United States ter to Teheran, (now minister to Ven-ezuela), and Prof. Richardson, of the American school at Athens," testimony had been presented regard-ing Col., Lynch's presence "on com-

as to accept a commission from the Transvaal government. Lynch then raised the so-called Irish brigade, joined the invading army in Natal and issued an appeal signed 'Arthur Lynch, Colonel Irish Brigade,' inviting Irishmen to assist the two republics."

The Hon. Chas. Russell, second son of the late lord chief justice, Baron Russell, of Kilowen, in behalf of the defendant, said that Lynch had faced the proceedings like a man. What he had done had been done openly and he desired to facilitate, the inquiry as much as possible.

FIFTH WEEK OF THE STRIKE ENDS

Wilkesbarre, Pa., June 14.-Today | ends the fifth week of the anthracite coal miners' strike. Neither side has veakened. As the days go by it beomes more apparent that it is a case f the "survival of the fittest." The intire region was quiet today and the territory affected by the strike presents those who are not on strike but are affected by the suspension, there are approximately 165,000 men and boys idle. The efforts of the strike lead-ers to bring out the fire bosses is not meeting with as much success as they

President Mitchell today received advices from West Virginia, which he says are extremely favorable to the omes more apparent that it is a case of the "survival of the fittest." The can be that 12,100 men are employed, says that 12,100 men are on strike in that 12,100 men are employed, says that 12,100 men are on strike in that 12,100 men are on s

New York. June H.—It was learn'd today on the highest authority that the visit of George W. Perkins, of J. P. Morgan & Co., to Washington yester day had nothing to do with the coal stric. The situation so far as the anthracite operators is concerned is said to remain unchanged.

WOMAN AND GIRL LYNCHED.

and a girl have been lynched at Ofus-kee, a village 18 miles west of Okmulgee. Of uskee is located in the wildest part of the Creek nation and its inhabitants according to information received at the | are mostly full blood.

Muskogee, I. T., June 14.-A woman | United States marshal's office here to-

A SINCLE MEMBER

With Stumbling Block.

EVERYTHING IS NOW READY

President Larsen Refused to Put His Signature to the General

of light that promises to help them out of their difficulties in securing a pump ig plant at the head of Jordan river seems to be the cause of all the delay He is Peter Larsen of the Utah and Salt Lake Canal company, who refused to sign the agreement that appears be low, and offered a resolution calling upon the presidents to abandon for the time being the pumping project. This resolution was turned down immediately by the board and some of the mer-bers were so exasperated that they re fused to continue their relations wit Mr. Larsen. The agreement was passe upon by the attorneys of the thre companies and Mr. Geoghegan, receiver for the Utah Power company, secured the permit from the court allowing the company to furnish the power for the operation of the pumps; the contract was drawn up, the machinery was or-dered, and the board met Wednesday evening to sign the contract. All the members attached their signatures at once except Prest. Larsen, who declared that his company had forbade him signing it, and offered the resolution referred to above. The followin evening the farmers in and around Riverton held a mass meeting in the Riverton school house and denounced the action of Mr. Larsen and after stormy session lasting over two hours it was decided to request his resigna-tion. The board met this morning but on account of the attitude of Pres Larsen nothing was accomplished ar an adjournment was taken until later in the day. In the mean time the mem-bers of the Utah and Salt Lake Canal company were to meet and secure the resignation of Mr. Larsen and appoint a man in his stead who would be will-ing to sign the contract and rescue the scheme if possible, although it will be necessary to renew the contracts with Gardner, Ingalls & Co. The agreement in which the Utah and Salt Lake board failed to concur is as follows:

This agreement, made and entered into this 11th day of June, A. D. 1902 by and between Joseph Geoghegan, the duly appointed, qualified and acting receiver for the Salt Lake City Water & Electrical Power company, the party of the first part, and the South Jordan Canal company, the Utah & Salt Lake Canal company, and the East Jordan Irrigation company, corporations or ganized and existing under the laws of Utah, parties of the second part, wit-

pursuant to an order of the Third Ju-dicial District Court of the State of Utah, in and for the county of Salt Lake, being the court which appointed take and agree to furnish to the said cessors and assigns, such amount of electrical power or energy as may be demanded or required by them for pumping 400 cubic feet of water per second, not exceeding, however, 400 centioners have power the same to be second, not exceeding nowever, 400 continuous horsepower, the same to be continuously furnished both night and day to the parties of the second part at the pumping plant to be installed by the parties of the second part at the outlet of Utah lake from the time of the installation of such plant which the installation of such plant, which it is estimated will be on or about July

1902, to the 17th day of October, 1902. In consideration whereof, and for which said power the parties of the second part hereby agree to pay at the rate of one cent per kilowatt hour, measured with the recording Watt me-ter at said pumping plant after passing through the transformers, provided, however, that the minimum charge for said power shall be \$800 per month from such time as the parties of the second part shall commence to use the same. Said payments to be made on the 17th day of each month during the term of this agreement, commencing Aug. 17,

For the purpose of enabling the party of the first part to construct and maintain the nectransmission line its present lines to the said pumping plant of the parties of the second part, the said parties of the second part do hereby further undertake and agree to advance to the party of the first part the sum of \$3,500, which shall, however, be refunded to them by a deduction of per cent of such amount as shall be come due each month to the party of the first part from the parties of the second part under the terms of this agreement, the same to be deducted monthly at the time of payment afore-

mission line, including all poles, wires insulators, etc., shall become and remain the property of the parties of the second part until said sum of \$3,500 so second part until said sum of \$3,500 so as aforesaid advanced by them has been fully repaid, provided, however, that if the parties of the second part shall not elect to renew this agreement as hereinafter provided for the irrigating season of 1903, that then and in that event, they shall forfeit their right the said transmission line and to to the said transmission line and to any amount of the said \$3,500 then un-refunded, and the said line shall be-come the property of the said power

It is hereby further mutually under-It is hereby further mutually understood and agreed, and the aforesaid agreement to furnish said power by the party of the first part is upon condition that the parties of the second part shall from such time as the pumping plant shall have been installed and put into successful or ition for the purpose of enabling the party of the first part to generate said power, permit to flow down to the said power mit to flow down to the said power plant one-third of all the water so pumped in excess of the amount of the natural flow of the river, which said water after having been used by the party of the first part for said purpose shall be discharged by him upon a level with the South Jordan canal for the use said South Jordan Canal company and its cotenants.

If for any reason the par-ties of the second part shall be unable to or shall fall, neglect or refuse able for any damage by reason thereof.

It is hereby further mutually understood and agreed by and between said partles of the first and second parts that the parties of the second parts that the parties of the second part shall have the option to renew this agreement upon the same terms and conditions for the irrigating season of the year 1903, commencing at the electric dishes in each package of Grape-Nuts.

Keep Cools

Agreement The board of Jordan canal presidents

are working doggedly towards one ra;

It is hereby further mutually under-stood and agreed that the said trans-

unable to or shall fall, neglect or refuse to furnish said water for the purpose of generating said power, then the party of the first part shall be relieved from any obligation to furnish said power, and the parties of the second part shall be relieved of any and all obligation to pay for the same, and shall not be lipay for the same, and shall not be li-able for any damage by reason thereof,

BY DRINKING

Hewlett's Root Beer.



It is a perfect tonic and health giv-

ng beverage. any more. Ours is the original, do not be bluffed off with a substitute, but see that out name is on every battle.

Ask for HEWLETT'S ROOT BEER and SODA WATER.

tion of the parties of the second part of a period not later than June 1, 1903, and ending October 15, 1903. It is hereby further mutually under-stood and agreed that this contract shall not be construed to affect the present legal rights of any of the par-ties hereto in respect to the waters of said Utah Lake and the said Jordan

In witness whereof, the said party of the first part has hereunto in pursu-ance of sald order of the Third Judicial district court set his hand, and the said parties of the second part have caused their corporate names and seals to be hereunto signed and affixed the day and year first above written.

By....President. Attest:.....Secretary. Attest: Secretary. By President. Attest: Secretary.

THE M'CRATH

(Special to the "News.")

Nephi, June 14.-A great throng rowded the court house today to hear McGrath testify in his own behalf. The defendant was apparently unconcerned, and it would have been difficult from his appearance to distinguish him from any one in the crowd. He seemed ection of the jurors. His narrative of the events of his life and the circumstances leading to the estrangement with his wife and the fatal shooting was given in a matter of fact and unconcerned manner. According to de-fendant's testimony his memory seemed to have been clear. He could remem ber very little of what transpired the of the shooting.

McGrath impressed most people as a very sane and intelligent man.
Court adjourned fill Monday when
two physicians will be examined ex-

YESTERDAY'S PROCEEDINGS. Rapid progress was made in the taking of testimony yesterday. Joseph Runnols testified that he had met the defendant on the day of the tragedy and that the latter had asked him where his gun was and whether he would trade it for a larger one. Wit-ness replied in the negative but added hess replied in the negative but added that he would sell it for \$5. Defendant was agreeable to this when witness as-sented to buying a box of cartridges to go with it. That was the basis upon

which the trade sale was made.

Miss Blanche Smith testified that sh heard the quarrel and the fatal shots. John Hanifin testified that defendant John Hanifin testified that defendant wanted to trade guns with him on the day of the tragedy. E. H. Plummer said he both saw and heard the shooting from the opposite side of the street. After the second shot Mrs. McGrath cried out, "Who will take care of my baby?" This plaintive wall was followed by other shots and witness ran across the street to where the shooting cross the street to where the shooting was under way and saw Charles Huish was under way and saw Charles Hulsh of the Eureka Reporter taking the revolver away from the defendant. He said McGrath had a sort of a blank look on his face as of no expression. Charles Hulsh of the Eureka Reporter said he had just resched his office door.

said he had just reached his offiwhen he heard two shots fired. He saw

COST OF FOOD. Grape-Nuts vs White Bread, etc. A family figured carefully on the cost of food, taking into consideration the strength and health that Grape-

Nuts furnished. The report is interesting.
"We first took up Grape-Nuts because it agreed with me so well. I was suffering from dyspepsia that medicine did not relieve. I frequently laughed at the idea when some of my friends told of the use of Grape-Nuts; however, one day wife bought a package and we found it good and it agreed

we were accustomed to using write bread and oats, wheat or barley mushes boiled from two to four hours. We considered Grape-Nuts too expen-sive, but I noticed that when I had a breakfast of Grape-Nuts I felt fine, and other days when white bread and other cereals were used I felt weak and

One day about six months ago I said to wife, 'I am satisfied that Grape-Nuts is the thing that makes me feel better in between the blue spells.' Then we sat down and figured a while on the cost of living and came to the conclu-sion that we could live better and happier on 15 cents worth of Grape-Nuts than on 25 cents worth of white bread or 'cooked at home' cereals. You see four teaspoonfuls of Grape-Nuts furnish more strength to work on than large quantities of other food, so we started on Grape-Nuts in earnest, using it every morning, and a wonderful change has come over me.

I am gaining in weight every day, Never have any of the old bloated feel-

Every sweet girl graduate and every young man well, should be encouraged to keep the good work up another term with a gift from our stock.

A New Carpet for their room, A Brass Bed for their room, A Handsome Dresser for their room. Lace Curtains for their room,

Are but a few of the many appropriate Graduation Gifts to be found at our store.

Pictures for their room,

H. DINWOODEY FURNITURE CO.

Mrs. McGrath lying in the doorway of Suilivan's saloon and the husband standing over her. The defendant fired hree shots at the prostrate woman and witness took the gun away from him and remained with the defendant until the arrival of the sheriff. Upon cross-examination Mr. Huish also testified that McGrath had an expressionless, wild look upon his face.

Two witnesses named Mills and Ryan estified to the circumstances of the estined to the circumstances of the shooting substantially as had the others, they having been in the shooting gallery at the time of the tragedy.

Dr. T. H. Monahan testified to the fact that he had examined the body of Mrs. McGrath after the shooting and found that three shots had penetrated her person.

Witnesses for the defense were Con. J. Hanifi, W. S. Corbett, J. C. Jensen, Edward Pike, D. B. Cronin, Levan Bacon, W. W. Jenkins, Gus J. Henriod. P. P. Christensen and witnesses for the prosecution who were recalled for the defense, all testified as to the apparently unbalanced mental condition of the defendant at the time of the tragedy. Judge Powers stated that he had put in all the testimony that the de-fense had, except that the defendan himself would testify.

Many spectators have been in the

court during the trial, as both Mr. and Mrs. McGrath had many friends and

RETURNS FROM SOUTH.

Elder Nuttall Finds Happy Conditions In That Section.

Elder L. John Nuttail has returned home from an extended trip through the southern part of the state and a little into New Mexico and Arizona, He was traveling in the interest of the Sunday schools and attended a number of very interesting conferences, He was accompanied by Prof. Peterson of that he enjoyed the journey very much. He found many things that were a surprise to him, and one was the flourishing condition of the little town of Buff, in San Juan county. This settlement is practically isolated from the rest of the world, but all the residents are in a prosperous condition and several homes are to be seen at that place that would be a credit to South Temple street in this city. Elder Nut-tall is pleased to report that the people in the south are very happy because of he bright prospects that are before them in the way of bounteous crops that will be harvested this fall, both fruit and cereal. The wonderful little fruit town of Moab will likely produce the crop of its career, and the vintage. the crop of its career, and the vintage throughout the entire country was never better. The water supply is more ample than it has been for years and that, of course, encourages the stock

Elder Nuttail states that the Sunday schools in the south are in a good con-dition, being in the hands of enthus

astic men and women, who are doing a good work among the children. FLAGS WERE UNFURLED. Flag Day Was Generally Observed in

This City. In the observance of flag day today the citizens of Salt Lake were patriotic in their display of the national emblem, All of the public buildings and numerous of the private ones and many dwellings hoisted their flags and the town took upon itself quite a holiday air. The old soldiers were particularly pleased with the general observance of he day, for it was with them that the

GRAFTERS WERE HELD.

Stone and Goldie, the two lock trick men, were held to the district court this morning on \$200 bonds. They are chargd with criminal conspiracy, which i

ADVERTISING BIDS FOR SITES. (Special to the "News.")

Washington, D. C., June 14 .- Adver-

ising for bids for sites for the public

oulldings to be erected at Laramie and Evanston, Wyo., were sent out today, bids to be opened July 21. AT PRICE

Campbell Case With Jury-John Dilly Before Judge Johnson,

Special Correspondence.

Price, Utah, June 13.-The taking of estimony in the Campbell murder case was concluded tonight after a trial of three days. E. E. Campbell is charged with murder in the first degree it being alleged that on the 29th of March, 1961, he shot and killed John Selman at a place called Fish Ford on the Grand river in Grand county. The case was tried at Moab a year ago on a charge of murder in the second degree and was convicted of voluntary manslaughter. An appeal was taken on the ground principally that the defendant was tried by a jury of eight men, the defense con-tending that the charge was murder in the first degree. The supreme court erdered a retrial. A change of venue was taken to Carbon county. The de-lense is represented by an array of at-torneys, M. M. Warner, of Provo, Judge Early, or Ridgport, Illinois, Judge Early, or Ridgport, Illinois, Judge Stydger of Denver, and some local legal hights. District attorney prosecutes for the state. The opening argument for the state was made before adjournment

some time tomorrow.

John Dilly, the alleged slayer of Stephen Chipman, on Friday last, was brought before Judge Jacob Johnson this evening at 8 o'clock for arraignment. His plea will be entered some time tomorrow when the time of his preliminary hearing will be set.

WAS TOUCHING FUNERAL Dr. Paden Pays Beautiful Tribute to

Late Albert Walker. The funeral of Albert Walker was held this forenoon from the late hom-415 south, West Temple street, and a though of a private nature the house was filled by relatives and immediate by Dr. Paden of the First Presbyte ian church, who officiated, brought the tears to all the eyes that were not at ready wet with weeping. There was a remarkable number of floral pieces an banks of boquets literally covered the

Dr. Paden in his sermon recalled the time just one year ago when he united in marriage the deceased and his beautiful bride. For one year it was given to the young husband to taste of almost perfect happiness, and that brightime is a span of flowers that betokened the grace and beauty of his life.

A quartet of excellent make relief A quartet of excellent male voice rendered at the young widow's request "Nearer, My God, to Thee" and "Abide With Me."

The interment was made at Mt. Oil-MONEY FOR O. J. SALISBURY Government Will Repay Amount De-

ducted from Mail ((Special to the "News.") Washington, D. C. June 14-The gen. eral deficiency appropriation bill, reported to the house, contains the fok

Payment to O. J. Salisbury, mail contractor, Utah, the sum of \$15,426, which amount was reduced by the government for payment for carrying mail, with interest; to Frank E. Baxter and D. H. Blossom, deputy surveyors, he sum of \$891 for the survey and resurvey of public lands within the limits of the grant to the Uhion Pacific Railway company, Utah; payment balance due Edw. Artist and Edw. F. Stahles for making land survey in

state of Wyoming. OCDEN EXCURSION

Sunday, June 15th, via Oregon Shor Line by Kolitz, the candy man. Spe cial train at 10 a. m. Round trip only and at Ogden free.

TEXT BOOKS.

For U. of U. Summer School just re

DESERET NEWS BOOK STORE, Successors to Cannon Book Store. KOLITZ EXCURSION

To Ogden Sunday via Oregon Short Line: special train at 10 a.m. Round trip only \$1.00. Refreshments served on train and at Ogden free. WOODMEN OF THE WORLD EXCURSION TO

PROVO AND SPRINGVILLE, JUNE !

Special train leaves Salt Lake Cit via the R. G. W. Ry, at 2:00 a.m. Returning, leaves Provo at 7:30 p. m. Fare \$1.25 for the round trip, Everybody is

urday, June 14. HELD & COMPANY, Agents Sun Fire Insurance Office London, Founded, 1710. 30 Commercial Block, Phone, 1412x.

Heber C. Kimball day at Saltsir Sal

ABSTRACTS. Three points to think of when you get a Abstract of Title to Real Estate

> I. Completeness. 2. Accuracy.
> 3. Responsibility.

The Utah Savings & Trust Co invites at examination of its complete real etak ecords, of the methods adopted to see ccuracy; and of its ability to make good at example. The value of an Abstract de

pends upon these three vits points, insist on an abstract Utah Savings Trustu.

W. S. MCCORNICK, PML S. H. LYNCH, Mgr. FOUND. Oname TO OUR PLACE THIS MORNING. One red dehorned cow. 336 So, 161 West St.

ONE BROWN HORSE ABOUT 1886.
Branded a crow's foot on left think Reiers so Freebairo Bros. 428 W. 7th 50. He wast.